



CITY OF DANBURY
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PLANNING COMMISSION
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MINUTES
AUGUST 18, 2021

The web-based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi at 7:35 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, Joel Urice and Chairman Arnold Finaldi. Also present was Deputy Planning Director Jennifer Emminger.

Absent were Alternates Kevin Haas and Gary Renz.

Mr. Chiocchio made a motion to accept the July 7, 2021 minutes. Mr. Salvagne seconded the motion and it was passed by unanimously by voice vote with ayes from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi.

CONTINUATION OF PUBLIC HEARING:

Nejame Plaza LLC – Application for Special Exception/Revised Site Plan Approval to permit Storage of Concrete Aggregates or Manufacture of Concrete & Concrete Products, Storage of Bituminous Product, Storage or Sale of Building Materials, & Storage of Construction Equipment (Nejame Pool Industrial Site) in the IG-80 Zone - 44 Payne Road (N12004) - SE #776.

Chairman Finaldi said they had received a request from the applicant's attorney to table and continue this hearing. Mr. Urice made a motion to table and continue this until the next meeting on September 1, 2021. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with ayes from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi. Mrs. Emminger said Attorney Mazzucco had also granted an extension until the September 15, 2021 meeting.

REFERRALS:

8-24 Referral – August 2021 City Council Agenda Item #4: Request for Sewer and Water Extension for 100 Saw Mill Road (A17005).

Mrs. Emminger said this site is approximately 11.78 acres in size and is located in the IL-40 zone. She explained that this site has been split into two parcels, identified as A17005 and A17009. Parcel A17005 has received site plan approval to permit the construction of an office/light manufacturing building, and a 125-megawatt natural gas power generation facility, and to make renovations to an existing office building. Parcel A17009 also received site plan approval to permit the construction of an office building and a 125-megawatt natural gas power generation facility. The properties share a driveway, interior driveways, parking, utilities, and a storm drainage system. She added that sewer and water currently exist in Saw Mill Road. The Plan of Conservation and Development (POCD) indicates this site is within both the proposed Sewer and Water Service Areas. Mrs. Hoffstaetter made the motion to give this a positive recommendation subject to development of the site per the requirements of the Zoning Regulations and standard Department of Public Works/Engineering Department requirements for public sewer and water main extensions and construction. And all final plans and documents should be approved as to form and content by the Office of the Corporation Counsel prior to acceptance by the City and recording on the Danbury Land Records. Mr. Chiochio seconded the motion and it was passed unanimously by voice vote with ayes from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi.

8-24 Referral – August 2021 City Council Agenda Item #5: Request for Water Extension for 53 Lake Avenue Extension (E15064).

Mrs. Emminger said this request is for an existing commercial/office building located at 53 Lake Avenue Extension, also known as the Hyatt Building. It is located at the corner of Lake Avenue Extension and Crestdale Road in the CA-80 zone. She said water currently exists in Lake Avenue Extension and this request would be an extension along Lake Avenue Extension to this properties site frontage. Lastly she said the POCD indicates that this site is within the proposed water service area. Mr. Urice asked if this extension would pass any other properties. Mrs. Emminger said it does not pass by any other properties. Mr. Chiochio made the motion to give this a positive recommendation subject to development of the site per the requirements of the Zoning Regulations and standard Department of Public Works/Engineering Department requirements for public water main extensions and construction. And all final plans and documents should be approved as to form and content by the Office of the Corporation Counsel prior to acceptance by the City and recording on the Danbury Land Records. Mr. Urice seconded the motion and it was passed unanimously by voice vote with ayes from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi.

8-24 Referral – August 2021 City Council Agenda Item #6: Request for Sewer Extension for 85 Wooster Heights Road (G18062).

Mrs. Emminger said this is for the Danbury Proton facility that the Commission just approved in July of this year. The site is zoned IL-40 and the approval was to construct a 16,035 sq. ft. medical office. Public sewer currently exists in Wooster Heights Road and extends into property identified as 83 Wooster Heights, also known as Lee Farm Corporate Park. The request entails an extension along Lee Farm Drive (the internal roadway) to the subject property. The POCD indicates this site is within the Proposed Sewer Service Area. Mr. Urice asked if this extension would not pass by anything other the subject property. Mrs. Emminger said it will not because this parcel is just off the main roadway into the Corporate Park. Mr. Urice made the motion to give this a positive recommendation subject to development of the site per the requirements of the Zoning Regulations and standard Department of Public Works/Engineering Department requirements for public sewer main extensions and construction. And all final plans and documents should be approved as to form and content by the Office of the Corporation Counsel prior to acceptance by the City and recording on the Danbury Land Records. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with ayes from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi.

8-3a Referral - Petition of 29 Federal Road LLC & Robert W. Schmus, 21, 29, 33-35, & 39 Federal Road (K11123, K11125, K11126, & K11127) for Change of Zone from IL40 to CG-20. Zoning Commission public hearing is scheduled for August 24, 2021

Mrs. Emminger said Mrs. Calitro's staff report is dated August 11, 2021 and this request is for four parcels that total 1.655 acres, although the petition lists the total acreage as 2.301 acres because it included .646 acres which are located within the right-of-way of Federal Road. The CG-20 Zoning District boundary is currently located in the middle of Federal Road since parcels on the opposite side of the road are zoned CG-20. She referred to the zone change map submitted with the petition and also showed the parcels on a GIS map. She described the uses on each of the subject parcels and said the rezoning would allow any CG-20 use to be put on these parcels. The POCD Land Development Plan map designates the subject parcels as mixed light industrial/office and transportation. Therefore, rezoning to a CG-20 Zone is inconsistent with the Plan Map, but the map does not reflect changes in zoning district boundaries that have occurred since 2002, including rezoning of the Ingersoll properties from IL-40 to CG-20. Over time, the uses on the subject parcels, and others within the pocket of the IL-40 zone, appear to have changed to more of a commercial/retail nature. The report also said that rezoning of 1.655 acres of IL-40 zoned land does not represent a significant loss of industrial land, and considering parcel sizes, dimensional limitations, and existing uses, the CG-20 Zone may be a more appropriate zone. She reviewed how this proposal would comply with the zone change criteria in Section 10.I.3 of the Zoning Regulations. The conclusion of the staff report said that these parcels represent a small portion of IL-40 zoned land bordered to the north and south by lands zoned CG-20. It also pointed out the changing commercial character of the Federal Road corridor. In closing it said that some lots that are zoned IL-40 are more industrial and should remain in that zone.

Mrs. Hoffstaetter said it almost seems like the reasoning probably applies to the all of Federal Road and rezoning these parcels will be sending a signal that the character of the road has changed and it should be commercial. Mr. Urice said he agrees with Mrs. Hoffstaetter that they are sending a signal that it is okay to change to commercial. He said first it was the property across the street, now these lots, and this is just the commercial zone creeping into what was industrial. Another person could come in and request to rezone all of the IL-40 to CG-20 based on the fact that all of these parcels were rezoned. He said he does not see why this is being done especially because it is inconsistent with the POCD. He said this is definitely a case of creepage and he has an issue with allowing this. Mr. Chiochio noted that the staff report said these parcels are non-conforming with regard to area, so how would that affect future development on them. Mrs. Emminger said as they exist now, they would be required to comply with the IL-40 regulations, which could be difficult due to their sizes. She also pointed out that these parcels are not served by municipal sewer or water. Even with the zone change to CG-20 and two of the lots would still be non-conforming. She said that regardless of the zone, each of the parcels has development constraints on it. Mr. Salvagne said he agrees with the staff report comments that this area has evolved and has no problem with a positive recommendation. Chairman Finaldi reminded the Commission members that this is a referral for specific pieces of land. He said this is a request to rezone these parcels to commercial because the character of the area has changed from industrial to commercial in nature. He said he was not aware that this area was not served by sewer and water, but knowing that now, he feels that it is appropriate for industrial use.

Mr. Chiochio made a motion to give this a positive recommendation for the following reasons: Although this proposal is inconsistent with the POCD Land Development Plan Map, this map has not been updated since 2002 and does not reflect zone changes that have occurred in this area since that time. Additionally since that time, the uses on these parcels has changed to more of a commercial/retail nature. The rezoning of 1.655 acres of IL-40 zoned land does not represent a significant loss of industrial land. And considering the sizes of these parcels, the dimensional limitations, and the existing uses, the CG-20 Zone may be a more appropriate zone for them. Mr. Salvagne seconded the motion and it was passed by roll call vote with three ayes (from Mr. Chiochio, Mr. Salvagne, and Chairman Finaldi) and two nays (from Mrs. Hoffstaetter and Mr. Urice).

At 8:25 PM, Mr. Salvagne made a motion to adjourn. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with five ayes.

Respectfully submitted,

JoAnne V. Read
Planning Assistant